IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION No: 9782 of 1995

Between:

M/s. Aswini Glass & Associates Limited,

Sathrampudu, Eluru, West Godavari District,

Rep., by its Managing Director, P. Sankar Rao.

..... PETITIONER

AND

1. The Chief Engineer (Electricity),

A.P. State Electricity Board,

Vijayawada Zone, Vijayawada-2.

2. The Superintending Engineer – Asessments (Spl)

A.P. State Electricity Board, Vidyut Soudha,

Somajiguda, Hyderabad.

3. The Divisional Engineer,

A.P. State Electricity Board, Vijayawada.

4. The Assistant Divisional Engineer (Electrical),

Operation, A.P. State Electricity Board, Eluru Town,

West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate writ or writs, order or direction, declaring and setting aside the order dt.29.03.1995 passed in Procgs.No.CEE/VZ/VJA/MRT/AE/E.4/94/D.No.362/95 on the file of the first respondent and the order dt.31.08.1994 passed in Order No.SE/A/Spl/Hyd/F.ELR.3/D.No.2634 of 1994 on the file of the second respondent, as illegal, arbitrary, without jurisdiction and contrary to the provisions of Electricity Supply Act; Award costs.

Counsel for the Petitioner: MR.K.RAGHUVEER REDDY

Counsel for the Respondents: SMT.M.VINOBHA DEVI, SC FOR APSEB

The Court made the following:

ORDER:

This writ petition is filed to declare the order dated 31.08.1994 passed by the 2nd respondent, as confirmed by the 1st respondent through his order dated 29.03.1995, as illegal and arbitrary, and consequently to set aside the same.

The case of the petitioner is that the 3rd respondent has inspected his premises on 04.08.1993 and made several allegations against him to the effect that he has exceeded the sanctioned contract load, which constitutes malpractice. Thereafter, the electricity supply was disconnected. The 4th respondent issued a notice calling upon the petitioner to pay an amount of Rs.2,34,545=90 towards compensation for the loss sustained by the Board and required him to pay an amount of Rs.1,17,272/- for restoring the power supply. The grievance of the petitioner is that although he has paid the said amount and submitted a detailed explanation, the 2nd respondent without considering the said explanation passed an order dated 31.08.1994 confirming the amount of Rs.2,34,545=90, which was mentioned in the notice, on the ground that the petitioner unit has involved in malpractice. Aggrieved thereby, petitioner preferred an appeal before the 1st respondent. Through his orders, dated 29.03.1995, the 1st respondent confirmed the order passed by the 2nd respondent. Hence, this writ petition.

On a perusal of the orders passed by 1st and 2nd respondents, especially the

appellate authority-1st respondent, it is clear that both the authorities below after taking into consideration the explanation offered by the petitioner have come to the conclusion that the petitioner had committed malpractice in using the energy by connecting more load than the sanctioned contracted load. Thereupon, the assessment has been made by taking into consideration the units and the corresponding energy charges including the supervision charges.

Except making a bald allegation that his explanation has not been considered, no case is made out by the petitioner to show as to how the assessment made by the appellate authority is erroneous or baseless.

I do not find any valid ground warranting interference under Article 226 of the Constitution of India. Accordingly, the writ petition is dismissed. No order as to costs.

09.06.2005

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To

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Vijayawada Zone, Vijayawada-2.

2. The Superintending Engineer – Asessments (Spl)

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